App F IX 4]

192 4-25 File No 56-24

Previous References (Confl.)

Vol 60-23-13 & 30
" 56-24-35, 78, 116, 117, 137, 169 & 186
" 131-21-12
" 69-21-19 & 20

Later references

Serial Nos. 266 & 281

Preserve

GENERAL AND REVENUE SECRETARIAT

Serial Nos 2

Part B for May 1925

SUBJECT

Explanations of the Ex-officio members of the Malabar District Board [illegible] for having taken part in the election [illegible] of the council

[illegible] 281 : To The Dy Commr. [illegible]

[illegible] 8378 [illegible]

[illegible] that the Council has [illegible] of [illegible] Confl: Council [illegible] have taken more [illegible] in the matter.

25/9/25

General and Revenue Secretariat. | Mal File No 56 of 1926

Serial No 206

Letter No Dy No 315/LB dt 21.1.25 from the Deputy Commissioner of

Lakwith the explanation of the Ex-officio Members of the Malavalli Town Municipal Council for having taken part in the election as Vice-President of the Council, as called for in this office letter No L 3485/Mal 55 dt 26-11-24 & 8-11-24

1) The Ex-officio members who took part in the election referred to, were
(i) The Amildar - President
(ii) The Medical Officer (Sub Assistant Surgeon) who is reported to be now at Channarajanagar

2) From the explanation of the President it is seen that:
(i) he was not aware of the fact that ex-officio members were precluded from Voting
(ii) Two or three days before the election took place all the standing orders on the subject maintained by the Municipal office at Malavalli were gone into and fully acquainted with, but no such order containing the rule of 'free vesting' could be forthcoming, as it was not heard of in that office at any time, at all
(3) At the time of the election no one of the members pointing out orally or by writing to that effect, nothing in writing could be forthcoming, though another attempt was made in this respect, as per the standing orders were examined minutely
(4) On the precedent that the Ex-officio members had taken part

NOTE—Contn Sheet

General and Revenue Secretariat. Genl File No 56 of 19 24

Serial No	
R	in the preliminary election proceedings of the (the present president) also took part in the recent election 3) From the explanation submitted by the Medical Officer, it is seen that: (i) At the commencement of the meeting for election, there was a dispute about the voting by the official members (ii) The Regulation and the Rules available, on the point, were referred to, but the Rule precluding Ex-officio were were to be seen therein (iii) At the opinion of the Council her Vote was given for the election. 4) From the above explanations it will be seen that (i) in both cases ~~election~~ however was made orally, of the existence of a Rule precluding Ex-officio members from voting (ii) A search was made to find out whether the Rule existed in writing but could not be found, and the reason for this being, it was not received in the Municipal office at Kalutara (iii) So in the absence of an express Rule to the contrary, ~~the~~ (a) the President voted on the strength of the precedent and (b) the Medical Officer voted on the opinion of the council.

4690 3)

General and Revenue Secretariat

Mal File No 56 of 19 24

Serial No

5) The points for consideration are:

(i) The rule that "no Government Servant shall take part in Votes at Municipal elections" was issued by G.O. in order No R 3353/Mal 69-22-20 dated 2.11.1922. The election under reference took place on 12th July 1924 i.e. nearly two years after the date of the order of preference. Such being the case, why a copy of the said order was not received in the Malabar Municipal Office and kept on the record there is to be ascertained.

(ii) When a mention was made at the Municipal election meeting, about the existence of such a rule and when such a rule could not be found though an attempt was made in this respect, whether the two ex-officio Members, instead of giving their Votes — the one on precedent and the other, as the opinion of the Council, could ought to, have referred the point to the Deputy Comm. for necessary instructions before actually taking part in the election as they did.

Submd for orders.

BB 28/1/25

6) Revenue paras 12 & 76 in the Rules of the reference file below Mal 56/24. As noted above, the official members especially the Chairman could have assumed knowledge of the rule by looking into the gazette

NOTE—Contn Sheet

General and Revenue Secretariat — File No 46902 5-6 of 1924

Serial No.

Correspondence may perhaps be
needed

(1) Please submit

(2) with reference to para 4. a copy
of the Notification No 3353 dated 69-22-20
dated 3 II 1922 is submitted (Flag S)

(1) Please submit the file leading
to the G.O. of 3.11.22 (2) While appeals
should not stand for election as
Presidents or Vice Presidents
do not appear to me
to carry the vote

(1)

(2) The marginally noted Collections relating
to the amendments to the rules for election of
Presidents & Vice Presidents of the Legislatures are
put up. Attention is invited to the notes
in Mel 131-22 2

NOTE—Contd. Sheet 2

5

6690L

11/ There is no need to take any notice of the letter. But the Hindu President has to be told by the D.C that he has taken more powers to set functions than the Standing orders, when his Motion was challenged

9129

12/ 2 After disposal please make a short typed memo about the history of this file; ascertain practice in Madras & submit.

Lee
2/5/25

10/ Mean putting draft at 1. & putting a memo at 2 & other steps mentioned in the minutes

22
1/5

14/ Draft letter as per para 11 supra is put up.

15/ After issue of the draft, para 12 supra will be attended to

PSB
13/6/25

JMK
5.6.25

17/ Issue of the draft remains.

22
16-5

Serial No

29/ To move before
Nos 837 87 of 15/25.
States that the Guildsman-Chief of the Malabar will pay have taken more pains to keep himself well-informed about the matter

18/ A brief note on the history of the case is put up for approval before signing

19/ Draft to letter to the Assessing Inspr. I.S.G. West Madras is put up for kindly furnishing information as regards the practice existing in Madras. This is for Consideration 20/ Before forwarding the note

P.O.B. 27/6/25 27/6/25

20/ Mem to the Inspr. dated 27/6/25

21/ A typed note is put up

P.O.B. 27/6/25 29/6/25

Serial No.

The history of the rule is briefly stated as follows:-

2. The question of prohibiting Government servants from voting at all elections, was brought up for consideration at the Birthday Session of the Representative Assembly meetings held in 1922 by Mr. C. Rasul Khan, Anjumane-Islamia, Chickmagalur.

3. In doing so, Mr. Rasul Khan said that Government servants also are permitted to vote during the election of President and Vice-President of Taluk or Town Municipalities. If an official begins to vote for a certain member most of the other non-official members follow his example and vote for the same man. For instance at Chickmagalur an Assistant Commissioner -- persuaded Mr. Srinivasa Rao to stand for election Fi officials voted for him. A word from the officers results in such one sided votes. This should be prohibited.

4. Mr. P.A. Goswami another Representative -- Assembly member said that for election of members -- there need be no restriction. But for election of -- President or Vice-President, officials should not vo

5. There will be partiality

6. The reply of the Dewan on the above subject was a follows:-

"The rules with regard to the election of Presidents or Vice-Presidents will be changed in vie of your representation."

7. The then Second Member of the Council has at pa

Sheet

G.R.S. III-2f

4690 8

VD 2119—GPD—

File No 5-6 of 1924

General and Revenue Secretariat

Serial No.

2 of the Notes in the File Ml. 131-22-1, minuted as follows --

"May be approved. May be submitted to the Dewan. This is a desirable change. I think."

The Dewan's minute was approved. I see that the change was promised."

Accordingly the following amendment was issued to Rule V of the Rules issued under Notification No. 4999, dated 30th September 1918.

"No Councillor who is a Government servant shall take part in voting."

POB 29/6

With reference and be made to Mr. Madras Letter a regard Mr. practice prevailing in Madras Presidency para 11 & 12 Secy)

29/6

14488 30/6

II 29/6

23) Yes (as usual) 30/6 ND

1/7/25

24) Extracts and Rules issued from the Madras Secretariat are put up 25) In the Madras Presidency, officials are not prohibited from voting at election meetings.

Files R.

26) Refer paras 13 & 23 Supra

POB 4/7/25

NOTE—Contn Sheet

General and Revenue Secretariat

File No 4690 56 of 1924

Serial No

270
10/7

27/ Rules received from the Madras Govt & forwarding Expenses para 12 & 2 Secs)

28/7/25
8/7
8/8
9

28/ Secy I wish to have the Legislative opinion whether nominated members of local bodies form voting at elections of President & Vice Presidents is legally sound & further the powers exercised on their behalf by the Reps of Govt do further action is necessary now.

11/7/25
8/8
11/7

29/ May perhaps be forwarded to the Leg Secretary & 2 Secs)

30/7/25
11/7

30/ Rules were framed in exercise of powers vested in Govt under Sec 23 (2)(c) as amended by Regs 1918, the words are 'in accordance with such rules & conditions as may be prescribed by Govt in this behalf'

31/ Hence the rule prohibiting officials from voting seems to be perfectly legal & not ultra vires

32/ Secy — No further action necessary

33/ DA
15/7/25
24 8/8 15

417

GENERAL REVENUE SECRETARIAT
16 JUL 1925
B
Sheet

No. 365 [illegible]

Office of the Deputy Commissioner,
Mysore District,
Dated, Mysore, the 21st January 25.

From

206-56-24

A. V. Ramanathan, Esq., B.A.,
Deputy Commissioner, Mysore District,
M y s o r e.

To

B. Nagappa, Esq., Bar-At-Law,
Secretary to the Government of His Highness
the Maharaja of Mysore,
Local and Legislative Dppartments,
Bangalore.

Sir,

With reference to your letter No.L.3485/Ml.56-24-117 dated the 8th November 24 calling for the explanations of the Ex-officio members of the Malavalli Town Municipal Council for having taken part in the election of Vice President of the Council, I have the honour to submit herewith the explanations of the President of the Council and the then Medical Officer (now at Chamarajanagar) who were present at the time of election and took part in voting.

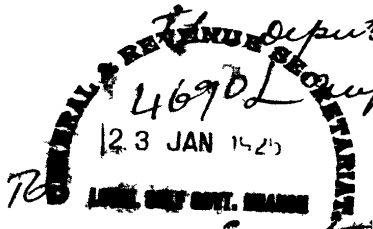
I have the honour to be,
Sir,
Your most obedient servant,

Assistant Commissioner
For Deputy Commissioner,
Mysore District.
(about from Hdqrs)

BSS.

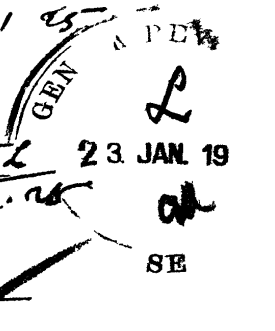
From 317709 Mr S -24-

Deputy Commissioner



To the Secretary to the
Govt of Nyasa
Local and Legislative
Zomba

Dated: 21/1/25
Dispatched
Received 23 JAN 1925
No D 315 L
Mr. B.R.
D 24/1/25



Forwarding the explanations of the president of the Town municipal Council & the medical officer, Nkatabay for having taken part in the Vice President —

Read 26/1/25

C 69 h 25
Malwathu Taluk office
9/12/24

No. 459

Enclosure one file

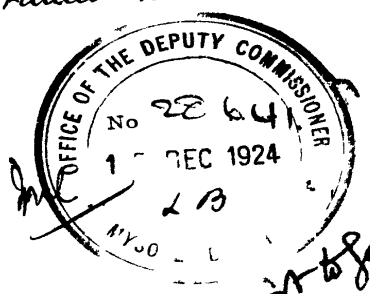
Reference Deputy Commissioner's memo No C 69/24-25 dated 11/11/24 calling for my explanation for taking part in voting in connection with the election of a Municipal Vice President

Submitted

With reference to the above I beg to state that at the time of election I was not aware of the fact that ex officio members were precluded from voting. I had 2 or 3 days before the election took place I sent for the circular file maintained in the office to acquaint myself with all the standing orders on the subject The order referred to in the D.C. Kandy's memo was not in the circular file and subsequent investigation showed that a copy of the said order had not been received in the office when the election was about to commence one of the members said that ex-officio members could not take part in

[redacted] the election of [redacted] Pan
questioned to refer me to [redacted] on [redacted]
the remedies [redacted] support of [redacted] Contentions. I [redacted]
unable to do so. To satisfy myself [redacted]
who the Circular file once more and [redacted]
not come across any order therein [redacted] support
of the Contention the Previous return [redacted]
showed that ex officio members had participated
in such election and followed [redacted] precedent
time being, no orders to the contrary [redacted]
forthcoming in the Circular file or in the election rules
maintained in the office

Yours Faithfully
[redacted] President
Municipal Council



Report to Govt

1924 No 13

C 6943

From 27.11.24

The Sub Asst. Surgeon
Fr. Dispensary
Chamarajnagar

To

The District Medical Officer
Mysore District
Mysore.

No 160 encl 1
Dated 26th November 1924

Sir

With reference to your No 2349 dated 23 11 24 calling for the submission of my explanation re in Voting in the election of a non-official Vice President

Forwarded enclosed memo to President, District Board, Mysore District, for favour of

Legislative

District Medical Officer
Mysore District

OFFICE OF THE DISTRICT MEDICAL OFFICER
Mysore District
Date 15 / 25
Annual No 664
Section 2B
Current of

President [illegible] municipality
12-7-24,
I beg to state that when the Commune
of meeting took place, there was a topic
the voting by the official members on a
made of the Regulation and the rules there
available, there found no definite
prohibiting the Ex officio-members from
At the opinion of the Council, I gave
Memo no. 23490 23 11.24 accompanies
I beg to remain
Sir
Your most obedient S

Sub Assistant
L + Desposis
Ch

Section ml
File No 56-24
Serial No 281

No L8378

Enquiry No of letter replied to 4640

General and Revenue Secretariat
( )
, the 192

To The Deputy Comm ellpura

Date of issue ~~Nov~~ 22/5/25

Signed by MrDKS

Sir,

With refer to correspondence ending with your letter No 315/20 dated 21.1.25 submitting the explanations of the pt of the Mahavalli Md el and of the then ellapdical Officer (now at Chamraja nagar) ~~who took~~ for having taken part in Voting at the ~~Municipal~~ election of the Vice President, I am directed to state that the Amildar ~~President~~ should be informed that he should have taken more pains to finding out the standing orders especially

List of enclosures

~~Original~~

~~Copy~~

1916

examined by

over

16

~~when his Voting was challenged.~~
~~and that he ought not to have voted~~
~~I have etc~~

~~W~~ 1675

~~POB~~ 13/5/25 ~~In the Last Instance~~

~~JHK~~ 5025

14